IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 980 of 1998

in

SPECIAL CIVIL APPLICATIONNo 7273 of 1997

with

CIVIL APPLICATION Nos.9619 and 9620 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT
and
Hon'ble MR.JUSTICE D.H.WAGHELA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

STATE OF GUJARAT

Versus

LG PRAJAPATI

Appearance:

MR MK DAGLI, AGP,for Appellants No. 1-5

MR MM PRAJAPATI for Respondents No. 1-3

CORAM : MR.JUSTICE J.N.BHATT
and
MR.JUSTICE D.H.WAGHELA

Date of decision: 12/02/2002

ORAL JUDGEMENT

(Per : MR.JUSTICE J.N.BHATT)

Admit. Service of notice is waived by learned advocate Mr.M.M.Prajapati for the respondents. Upon joint request, the Letters Patent Appeal is taken up for final hearing today itself, in view of the nature and issue involved in the matter.

The appellant, State of Gujarat, has assailed, by invoking the aids of clause 15 of the Letters Patent, the judgment and order of the learned single Judge dated 28.1.98 passed in Special Civil Application No.7273 of 1997, whereby the appellants are directed to consider the cases of the original petitioners, respondents herein, for giving higher pay scale from the date on which they have completed nine years service as Agricultural Assistants within stipulated time and further directions have also been given.

After having heard the learned AGP and the learned advocate appearing for the respondents, we find no substance in this Letters Patent Appeal. The respondents, original petitioners, claimed certain benefits by filing writ petition and considering the nature and type of directions given, as summarily stated above, we find that there is no substance in this Letters Patent Appeal requiring us to invoke the appellate powers under clause 15 of the Letters Patent and therefore, this LPA is required to be dismissed. Accordingly, it is dismissed leaving the parties to bear their own costs.

No orders in the Civil Applications.

(J.N.Bhatt, J.)

(D.H.Waghela, J.)

(vjn)